

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Q. M., et al.,

Plaintiffs,

v.

SAN MATEO SUPERIOR COURT OF  
CALIFORNIA,

Defendant.

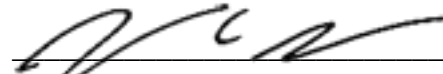
Case No. 15-cv-01167-JCS

**REPORT AND RECOMMENDATION  
RECOMMENDING DISMISSAL OF  
ACTION WITHOUT PREJUDICE**

Plaintiff in this action, proceeding pro se, seeks to assert claims on behalf of his minor son. On March 31, 2015, the Court issued an Order to Retain Counsel in which it explained that “a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer.” Docket No. 4 (quoting *Johns v. Cnty. of San Diego*, 114 F.3d 874, 877 (9th Cir.1997)). The Court ordered that Plaintiff retain counsel no later than June 12, 2015, the date of the initial Case Management Conference, and that counsel appear with Plaintiff at the Case Management Conference. Plaintiff did not appear at the Case Management Conference, either through counsel or otherwise, and the Court issued an Order to Show Cause why the case should not be dismissed for failure to appear through counsel as ordered. Docket No. 8. A Show Cause hearing was set for June 26, 2015 at 9:30. Plaintiff did not respond to the Order to Show Cause or appear at the Show Cause hearing. Plaintiff has not consented to the jurisdiction of a magistrate judge pursuant

1 to 28 U.S.C. § 636(c). Therefore, this case will be reassigned to a district court judge. It is  
2 RECOMMENDED that the Court dismiss the action without prejudice for failure to appear or  
3 retain counsel.

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5 Dated: June 26, 2015

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8 JOSEPH C. SPERO  
9 Chief Magistrate Judge  
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